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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91184741
Party	Defendant E & J Buffalo Brothers, LLC
Correspondence Address	CLARK R. COWLEY WHITAKER, CHALK, SWINDLE & SAWYER, L.L.P 301 COMMERCE ST STE 3500 FORT WORTH, TX 76102-4186 UNITED STATES tgwynne@whitakerchalk.com
Submission	Other Motions/Papers
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Signature	/DRC/
Date	01/26/2009
Attachments	App's Expert Disclosures.pdf (4 pages)(144837 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the matter of trademark application Serial No. 77/379383
for the mark BUFFALO BROS**

Published in the Official Gazette on June 10, 2008

**BUFFALO BROTHERS, INC. d/b/a
BUFFALO BROTHERS PIZZA AND
WINGS CO.,**

Opposer,

v.

E&J BUFFALO BROTHERS, LLC

Applicant.

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Opposition No: 91184741

INITIAL DISCLOSURES

ATTN: Commissioner for Trademarks
P.O. Box 1451
Alexandria, Va 22313-1451

**BUFFALO BROTHERS, INC. d/b/a
BUFFALO BROTHERS PIZZA AND
WINGS CO.**

c/o Edward H. Green
Coats & Bennett, PLLC
1400 Crescent Green, Suite 102
Cary NC 27518

E&J BUFFALO BROTHERS, LLC Expert Disclosures

COMES NOW, **E&J BUFFALO BROTHERS, LLC** (hereinafter “Applicant”) and submits
to **BUFFALO BROTHERS, INC. d/b/a BUFFALO BROTHERS PIZZA AND WINGS CO.**
 (“Opposer”) its its Expert Disclosures in the above-captioned Opposition as set out below pursuant
to the scheduling order of the Board and the agreement of the parties. Applicant makes these

Applicant’s Expert Disclosures

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disclosures based on information reasonably available to it presently, and notes that they are preliminary because discovery is beginning and ongoing. Applicant reserves the right to correct, amend, or modify these disclosures as necessary.

1. Jon Bonnell

c/o Whitaker Chalk Swindle & Sawyer, LLP, 301 Commerce, Suite 3500,
Fort Worth, Texas, 817 878 0506

Jon Bonnell is not a retained expert, but is a person with personal knowledge of relevant facts, and by virtue of his knowledge, skill, experience, training or education is qualified to testify to matters which could be considered the subject of expert or opinion testimony. He can be contacted through the undersigned attorneys.

He has not been retained, and is not specially employed to provide expert testimony. His duties in connection with Applicant do not regularly involve giving expert or opinion testimony. Therefore, he is not expected or required to prepare a report or provide a resume or other information in response to disclosure requests.

He has experience in the restaurant business and has personal knowledge about some of the facts in this case. He may review some of the documents produced and any depositions taken or testimony provided. Based on his knowledge and experience, he may provide opinion testimony or other specialized knowledge relating to the restaurant business, about the factual matters set out in the Applicant's Initial Disclosures, which are incorporated here by reference, and the Affirmative Defenses set out in Applicant's Answer in this matter, which are also incorporated here by reference. He is certainly qualified, and may express additional affirmative opinions, as well as opinions responsive to any Opposer's experts or opinion testimony offered by Opposer. He is identified here out of an abundance of caution to the extent his expected testimony constitutes opinion testimony or evidence under Federal Rules of Evidence or disclosure is otherwise required.

2. Ed McOwen

c/o Whitaker Chalk Swindle & Sawyer, LLP, 301 Commerce, Suite 3500,
Fort Worth, Texas, 817 878 0506

Ed McOwen is not a retained expert, but is a person with personal knowledge of relevant facts, and by virtue of his knowledge, skill, experience, training or education is qualified to testify to matters which could be considered the subject of expert or opinion testimony. He can be contacted through the undersigned attorneys.

He has not been retained, and is not specially employed to provide expert testimony. His duties in connection with Applicant do not regularly involve giving expert or opinion testimony. Therefore, he is not expected or required to prepare a report or provide a resume or other information in response to disclosure requests.

He has experience in the restaurant business and has personal knowledge about some of the facts in this case. He may review some of the documents produced and any depositions taken or testimony provided. Based on his knowledge and experience, he may provide opinion testimony or other specialized knowledge relating to the restaurant business, about the factual matters set out in the Applicant's Initial Disclosures, which are incorporated here by reference, and the Affirmative Defenses set out in Applicant's Answer in this matter, which are also incorporated here by reference. He is certainly qualified, and may express additional affirmative opinions, as well as opinions responsive to any Opposer's experts or opinion testimony offered by Opposer. He is identified here out of an abundance of caution to the extent his expected testimony constitutes opinion testimony or evidence under Federal Rules of Evidence or disclosure is otherwise required.

3. Applicant reserves the right to seek and present evidence from any experts of Opposer

Respectfully submitted,

By: 

David R. Childress

Texas State Bar # 04199480

Clark R. Cowley

Texas State Bar # 04931200

**WHITAKER CHALK SWINDLE &
SAWYER LLP**

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ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of January, 2009, a true and correct copy of the foregoing document has been forwarded by U.S. First Class Mail, postage prepaid and addressed as follows:

Edward H. Green
Coats & Bennett, PLLC
1400 Crescent Green, Suite 102
Cary NC 27518



David R. Childless